

List of Attorneys in Nice and Vicinity

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The List of Attorneys: The following individuals and firms have informed the Embassy/Consular Agency Nice, that they are qualified to adjudicate law in the categories specified and that they are sufficiently competent in the English language to provide services to English-speaking clients. Generally, this list is revised triennially with interim addendum as needed, to ensure that local counsel are still practicing in the consular district and are willing to represent clients from the United States. Detailed information on retaining an attorney abroad may be found at: http://travel.state.gov/law/retain/retain_714.html.

Important Note: Before making an appointment to see a lawyer in France, first ask if you will be charged for the initial consultation, and if so, how much the fee will be for this service.

All corrections and modifications should be sent to the: U.S. Consular Agency, 7 Avenue Gustave V, 06000 Nice, or by E-mail at: usca.nice@orange.fr.

Definitions:

Avocats: An *avocat* must be a lawyer or attorney. *Avocats* may render legal advice on all matters, draft agreements and contracts, handle commercial disputes and collection cases, and plead and defend civil and criminal cases before the French courts to which they are admitted.

Notaries: (*notaires*) A French *notaire* is a public official appointed by the Ministry of Justice, and not the equivalent of a notary public in the United States. The number of *notaires* in each jurisdiction is limited, and their fees fixed by law. Their functions include the preparation and recording of notarial acts (wills, deeds, acts of incorporation, marriage contracts, etc.), the administration and settlements of estates (excluding litigation in court) and serving as the repository of wills. They are not lawyers, but very specialized members of the legal profession. They may not plead in court.

French Postal Information. France uses a postal code system similar to the U.S. zip code. The code number precedes the name of the city. The first two digits designate the department, the last three the

city or an area within the city. Postal rates vary by weight and destination. Registered (*recommandé*) mail can be sent through the French postal service with return receipt requested.

Collection Agencies: Not all attorneys accept collection cases. A list of collection agencies is available from the Embassy's Commercial Affairs Section.

Service of Legal Process and Taking of Evidence: Information sheets on these judicial assistance matters are available from the Embassy's American Citizen Services unit.

Retaining an Attorney Abroad

The following guidelines may be helpful to you in retaining the services of an attorney abroad to protect your interest.

I. Selecting an Attorney

It is wise to contact several attorneys, briefly describing the nature of the services you desire. Before deciding which attorney to employ, ask for a written schedule of fees generally charged for the services you need. Be sure to ask whether the attorney is fluent in English. Do not turn over documents or funds until you are certain that the attorney fully understands your legal needs and is willing to hand handle your case.

II. Barristers and Solicitors

In some foreign cities, districts, or provinces it may be necessary to retain the services of both a solicitor and a Barrister. In such jurisdictions, Barristers are allowed to appear in court, including trial courts and higher courts of appeal or other courts. Solicitors are allowed to advise clients and sometimes represent them in the lower courts. They may also prepare cases for Barristers to try in the higher courts.

III. Notaries Public, Notaries and Huissiers

In some foreign countries, notaries public, notaries and *huissiers* can perform many of the functions performed by attorneys in the United States. Foreign notaries frequently draft instruments, wills and conveyances. In some countries a notary is a public official, appointed by the Ministry of Justice, whose functions include not only the preparation of documents, but the administration and settlement of estates. Such notaries serve as repositories for wills and are empowered to serve legal documents. In some countries the *huissiers* serve documents. They are not lawyers but are very specialized members of the legal profession. They may not plead cases in court.

IV. Coordination with Counsel in the United States

American attorneys may not be in a position to represent your interests abroad, particularly because they will not be permitted to participate in foreign court proceedings under the laws of the foreign country. American attorneys experienced in international procedure may be helpful in explaining the complex international issues involved in your case and some may have associates or partners abroad to whom they can refer you.

VI. Legal Aid Associations

There may be facilities in the foreign country for low cost or free legal services. If the information about such assistance is not included in the list of attorneys, ask the local Bar association or the Ministry of Justice about the availability of legal aid.

How to Deal With Your Foreign Attorney

- Find out the attorney's qualifications and experience.
- Find out how the attorney plans to represent you. Ask specific questions and expect the attorney to explain the legal process in the country concerned, as well as the legal activities planned on your behalf, in language that you can understand. Have your attorney analyze your case, giving you the positive and negative aspects and probable outcome. Be honest with your attorney. Tell the attorney every relevant fact in order to get the best representation of your interests. Do not fail to ask how much time the attorney anticipates the case may take to complete.
- Find out what fees the attorney, *notaire* or *huissier* charge and what fees are expected. *Notaires* and *huissiers* are usually government officials who must charge fees established by their governments. Some attorneys expect payment in advance; some demand payment after each action taken, refusing to proceed until they are paid. Others may take the case on a percentage basis, collecting a pre-arranged percentage of the monies awarded by a foreign court.
- Ask that your attorney keep you advised of the progress of your case according to a pre-established schedule. Remember your responsibility to keep your attorney informed of any new developments in your case. Request copies of all letters and documents prepared on your behalf.
- Do not expect your attorney to give a simple answer to a complex legal problem. Be sure you understand the technical language contained in any contract or other legal document prepared by your attorney.

Note: In some countries courts recess for a period of several months during the summer. In addition, even if the case is resolved, currency control laws are often complex and may delay the transfer of funds awarded to you from the foreign country for an indefinite time.

Questions: Additional questions may be addressed to the U.S. Department of State, Bureau of Consular Affairs, Office of American Citizens Services at (202) 647-5225 or (202) 647-5226.

VII. Complaints Against Foreign Attorneys

If the service of your foreign attorney proves unsatisfactory, in addition to notifying the Department of State and the U.S. embassy or consulate abroad, you may address your complaints to the local foreign Bar association. For example, to contact the Nice Bar Association you may refer to the following website address: http://cnb-barreaux.org/VieProfessionAvocat/VPAL_vie_barreaux_Nice.php

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